

## NEW YORK HERALD

BROADWAY AND ANN STREET.

JAMES GORDON BENNETT,  
PROPRIETOR.

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HERALD UPDOWN OFFICE.—CORNER FIFTH AVENUE  
AND TWENTY-THIRD STREET.

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All the editions are for sale at the main and branch  
offices in New York and at the foreign branches.

THE HERALD READING ROOMS.

The Herald calls attention to the fact that Messrs.  
Edmund Starbuck & Co., 25, Rue de Valenciennes, in  
Germany, have opened the following Herald Reading  
Rooms in the principal cities in Germany. Each of these  
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6TH YEAR.....NO. 40

AMUSEMENTS TO-DAY AND EVENING.

METROPOLITAN OPERA HOUSE.—DIE WALKIRE, 8  
P. M.

WINDSOR THEATRE.—GRANDS OPERA, 8 P. M.

BLUET THEATRE.—THE MONK, 8:15 P. M.

STAR THEATRE.—THE MONK, 8:15 P. M.

BROADWAY THEATRE.—THE MONK, 8:15 P. M.

UNION SQUARE THEATRE.—THE MONK, 8:15 P. M.

COLUMBIA THEATRE.—THE MONK, 8:15 P. M.

MADISON SQUARE THEATRE.—THE MONK, 8:15 P. M.

ROYAL THEATRE.—THE MONK, 8:15 P. M.

DAILY'S THEATRE.—THE MONK, 8:15 P. M.

GRAND OPERA HOUSE.—THE MONK, 8:15 P. M.

HARRISON'S THEATRE.—THE MONK, 8:15 P. M.

MILTON'S THEATRE.—THE MONK, 8:15 P. M.

ACADEMY OF MUSIC.—THE MONK, 8:15 P. M.

HERMAN'S THEATRE.—THE MONK, 8:15 P. M.

PEOPLE'S THEATRE.—THE MONK, 8:15 P. M.

HARLEM OPERA HOUSE.—THE MONK, 8:15 P. M.

CASINO.—THE MONK, 8:15 P. M.

LYCEUM THEATRE.—THE MONK, 8:15 P. M.

STANDARD THEATRE.—THE MONK, 8:15 P. M.

AMBERG'S THEATRE.—THE MONK, 8:15 P. M.

PALMER'S THEATRE.—THE MONK, 8:15 P. M.

TONY PASTORS.—THE MONK, 8:15 P. M.

GARDEN THEATRE.—THE MONK, 8:15 P. M.

NEW PARK THEATRE.—THE MONK, 8:15 P. M.

PROCTOR'S THEATRE.—THE MONK, 8:15 P. M.

FOURTEENTH STREET THEATRE.—THE MONK, 8:15 P. M.

KOSTER & BIAL'S.—THE MONK, 8:15 P. M.

EDEN MUSE.—THE MONK, 8:15 P. M.

HUBER'S PALACE MUSEUM.—THE MONK, 8:15 P. M.

WORTH'S MUSEUM.—THE MONK, 8:15 P. M.

ACADEMY OF DESIGN.—THE MONK, 8:15 P. M.

MADISON SQUARE GARDEN.—THE MONK, 8:15 P. M.

NEW YORK, MONDAY, FEBRUARY 9, 1891.

WITH SUPPLEMENT.

This paper has the largest circulation in  
the United States.

Notice is hereby given to the public that no  
person is authorized to solicit advertisements or  
subscriptions for this paper and that if anyone  
so agents hereafter.

HIGH WATER MARK.

Circulation...190,500

THE COMMERCIAL CABLE COMPANY.

ATLANTIC OCEAN.

WACKAY-BENNETT CABLES.

Cable messages for all parts of Europe direct  
received at the company's branch office in the  
Herald Building, corner of Broadway and  
Ann street.

To OUR READERS.—The Herald to-day  
consists of the regular eight page paper and a  
supplement, making ten pages in all. Our  
readers should see that their newsdealers  
deliver them the entire paper.

The weather to-day in New York and its  
vicinity (including points within thirty miles of  
the city) promises to be generally from fair  
to partly cloudy, with no decided temperature  
changes, followed by increasing cloudiness and  
by rain or snow. To-morrow it promises to  
be colder and from partly cloudy to fair, with  
the advance of the Northwestern "cold wave."

SUMMARY OF THE NEWS.

A new Italian Ministry, with the Marchese di  
Rudini as Prime Minister, will be officially  
announced to-day.

There is prospect of more trouble between the  
Irish factions over a letter written by Archbishop  
Wals.

Chilian insurgents seem to be holding their own  
and Chili is very much disturbed.

The real estate speculation is making time for the  
forelock in investing in suburban properties.

More facts are brought to light which tend to

deepen the mystery whether Robert Bay Hamilton  
is alive or dead.

Snow was the subject which Dr. Talmage  
preached about in the presence of a large as-  
sembled at the Academy of Music.

It has been discovered that Secretary Babcock,  
of the Custom House Civil Service Board, in refusing  
permission to women to enter the competitive ex-  
aminations has not conformed with the law.

The Chinese celebrate San Sin, or the New Year's  
day of the seventeenth year of the empire of Kuang  
Sol Wong Lee.

Park Commissioner Waldo Hutchins died of pneu-  
monia at the Park Avenue Hotel.

Governor Hill has fully made up his mind to ap-  
point ex-Senator James F. Pierce, of Brooklyn, as  
Superintendent of Insurance.

NEVER PRINT A paid advertisement as news  
matter. Let every advertisement appear as an  
advertisement—no sailing under false  
colors.—Charles A. Dana's Address to the  
Wisconsin Editorial Association, Milwaukee,  
July 24, 1888.

A STORY IS TOLD of an advertiser who pre-  
sented himself at the New York Herald  
counter with a three thousand dollar roll as  
an offer for a half column advertisement  
with a good sized cut accompanying it. The  
"ad." was refused without even consulting  
Mr. Howland. There is a standing rule in  
the Herald office to never insert advertising  
cuts.—Exchange.

THE EXPENDITURES FOR PENSIONS for the  
year ending June 30, as now officially stated,  
amounted to \$109,357,534. In the previous  
year we paid \$87,644,779 11, while in the  
year before that we paid \$80,288,508 77.  
The cost of the German army, it may be in-  
teresting to note, is for this year estimated  
at \$1,726,293. Besides our pensions our  
army costs \$290,000,000.

Questions by the Tribune.

The Supreme Court having received the  
petition in the Sayward case, the Herald  
has no desire to enter into a consideration  
of the question whether or not the prayer  
of the petition should be granted. Indeed  
that question cannot be intelligently con-  
sidered until the Alaska Court has made a  
return of its proceedings, including the tes-  
timony and the law on which it assumed  
jurisdiction. The issue is jurisdiction or  
no jurisdiction by the Alaska Court, and  
that issue will depend on the locality of kill-  
ing fur seals and of the discovery of the  
Sayward; on the place of killing and  
seizure, which is an inquiry of fact.  
Whether or not that place is within the  
United States is a question of law. When  
an offence has been committed on the  
high seas in one of our own vessels the law  
declares that the offender must be tried in the  
judicial district into which he is first  
brought. If, therefore, he is first brought  
into the Maine district, and afterward into  
the southern district of New York, the  
Federal District Court for the last named  
district will not have "jurisdiction" of the  
offender or the offence, no matter how  
otherwise competent the Court may be. And  
if that Court did assume "jurisdiction" a  
writ of prohibition would go to it.

The Tribune puts to the Herald a series  
of questions, interesting enough in general,  
and yet quite irrelevant and inconsequen-  
tial in the sense of the issue raised by the  
presentation to the Court of the Sayward  
petition. But, nevertheless, as the Tribune  
seems to wish the Herald's reply to each  
we will give it.

1. Can the controversy of a foreign litigant in our  
court, whose cases have been taken up by  
his own government, pressed against ours and now  
pending diplomatic consideration, be employed  
by his government in an effort to array our judi-  
ciary against our Executive?

Assume for a moment that the property  
of the Tribune, and of each of the other  
New York newspapers, has been seized at  
Havre in France by order of the French  
Minister of Finance. The thing owned  
by the Tribune has been condemned by the  
local French court. The American Minister at  
Paris has intervened with the French Min-  
ister of Foreign Affairs by protests against  
all the seizures, reserving a right to claim  
indemnity for all the newspaper proprietors.  
France will not relinquish the seizures.  
Meanwhile the Tribune, having been carried  
into a local French court, petitions the Su-  
preme Court at Paris to prohibit the local  
Havre court from going further. Could it  
fairly be said that the Tribune was seeking  
to "array" the French judiciary against the  
French executive, or that the Tribune had  
done what it should not do?

2. Can a foreign nation appeal from the Presi-  
dent to the Congress to the Supreme Court?

Of course not in the United States, and in  
a diplomatic way. Congress has not given to  
the Court an appellate power over the Presi-  
dent in the conduct of foreign affairs. But  
the owner of the Sayward can ask for a  
writ of prohibition from that Court to an in-  
ferior court, and his government, if he is an  
alien, can say to the Court that it wishes the  
petition considered.

3. Is the Supreme Court entitled to place limits  
upon our national dominion even if, in its judg-  
ment, it will be asserted to foreigners by the  
President in contravention of international law?

Chief Justice Marshall, speaking for the  
Court, has uttered truths which the Tribune  
will do well to ponder. They were these:—

It is most true that this Court will not take juris-  
diction if it should not, but it must take juris-  
diction if it should. The judiciary cannot, as the  
Legislature may, avoid a measure because it ap-  
pears to be unconstitutional. We cannot pass it  
because it is doubtful. With whatever doubt,  
with whatever difficulties a case may be  
attended we must decide it if it is brought  
before us. We have no more right to decline the exercise  
of jurisdiction than we have to avoid it when it is  
clearly within our duty. The one or the other would be treason to  
the constitution. Questions may occur which we  
would gladly avoid, but we cannot avoid them. All  
we can do is to exercise our best judgment and  
conscientiously perform our duty.

If in the consideration of a "case" it  
should appear that the law enacted by Con-  
gress and approved by the President had  
clearly, precisely, definitely and without  
any possible ambiguity declared "our na-  
tional dominion" and the dominion of the  
State of North Carolina shall extend west-  
ward over the ocean between the thirty-  
fourth and thirty-seventh lines of latitude  
till that dominion shall come within three  
miles of the coasts of Spain and Africa,  
probably the Court would accept that law  
and try to enforce it. But neither the  
statute nor the President has yet, in un-  
ambiguous language, declared how far into  
Behring Sea the Territory of Alaska and its  
waters extend.

4. In determining the rights of private litigants  
under our claims of dominion, is it the Court's  
duty to view that view of them which the political  
departments of the government may take?

That question has been answered.

5. And, just as it is improper for the Executive  
to take up the consideration of a claim which  
before the courts for adjudication, except in  
response to the demands of a foreign government  
(which, of course, cannot be forced to await the

processes of our courts if it chooses not to, is it  
not improper for the judiciary to take up such a  
claim while it is in process of settlement through  
diplomatic negotiations?

The London Foreign Office laid down in  
its note to the London Colonial Office of  
August 17, 1889, the accepted rule, which is  
that it "is very unusual to press for diplo-  
matic redress for a private wrong so long as  
there is a reasonable chance of obtaining it  
from the tribunals of the country under  
whose jurisdiction the wrong complained of  
has occurred." The Herald has not been  
made acquainted with the fact, if it be a  
fact, that the two governments are consider-  
ing, or have considered, in a diplomatic way,  
the question whether or not the prosecution  
of the Sayward or the enforcement of the  
owner's bond for value shall be discon-  
tinued, as President Cleveland in February,  
1887, ordered the then pending prosecu-  
tions to be abandoned. President Harrison  
could any day and can now put an end to  
the Sayward writ of prohibition by dis-  
continuing the Sayward prosecution.

Capital Can Rule the Roast.

A new problem in social economy has  
been coming to the front during the last ten  
years and now stands boldly and defiantly  
in the foreground under the legend, What  
are you going to do about it?

The unprecedented accumulation of money  
by certain trusts and corporations converts  
them into bullies and braggadoos. They  
mislead public opinion through the columns  
of newspapers subsidized in their interest;  
they have powerful lobbies in the Legislature,  
and by means of deals and boodle either  
pass laws for their own benefit or prevent  
the passage of laws which may cripple their  
dividends. The community is powerless  
and, except in periods of almost revolution-  
ary excitement, is helplessly swindled and  
victimized.

Take the elevated road management as an  
illustration. It is only one of many, but it  
happens to serve our present purpose. The  
"Little Wizard" doesn't propose to allow  
any competition in the matter of rapid  
transit if he can help it. Don't be deceived  
in that matter. When the bill to secure this  
boon was before the Legislature the "Wiz-  
ard" was there by proxy. Article Thirty-two  
of that bill represented his personal plans  
and wishes. It was the Little Wizard which  
he hopes to take the tricks and win the  
game. Article Thirty-two is a paragraph in  
favor of the elevated roads undoubtedly  
prepared by the "Wizard" and defended  
by his lieutenants, but having no legitimate  
place in the bill whatever. By means of  
that article he will extend his plant, rake in  
the nickels, delay real rapid transit and  
leave the public unaccommodated.

Moreover, suppose that two of the Com-  
missioners were favorably inclined to his  
plans, were personal or business friends, and  
therefore, not likely to oppose his wishes.  
Do you think that merely a supposition? To  
then keep your eyes open. If he could  
manipulate them—and such things are pos-  
sible—then by their votes he could block  
any plan of rapid transit that may be pre-  
sented. Four votes out of five are necessary  
to the adoption of a given project, and if  
the "Wizard" can control two votes—he  
needs no more—then you will be compelled  
for an indefinite period to swell his profits  
and hang on to his straps all the way to Har-  
lem.

This is one instance in which commanding  
capital can be used to the detriment of the  
people. We might refer in addition to our  
recent experience with the dangerous tele-  
graph poles which still remain standing in  
spite of the popular will. The wires ought to  
be underground, but they will stay where they  
are, whether you like it or not, because the  
man who has the money has also the pull.  
The people count for nothing. They are  
simply so many sponges, out of which the  
"Wizard" squeezes his dividends, and, as the  
boys say, if you don't like it you can lump it.

As poison in the blood permeates arteries, veins,  
nerves, brain and heart and speedsily brings paraly-  
sis or death, so does a debased or fluctuating cur-  
rency permeate all the arteries of trade, paralyze  
all kinds of business and bring disaster to all  
kinds of people. It is as impossible for commerce  
to flourish with such an instrument as it is for the  
human body to grow strong and vigorous with a  
deadly poison lurking in the blood.—Secretary Win-  
don's Last Words.

'IMMENSE BANKRUPT STOCK! Goods will  
be sold at half their cost!'

The McKinley bill does reduce prices, you  
see, after all.

Facing Toward Free Trade.

President Harrison's treaty with Brazil is  
a step in the right direction. Free trade  
with that Republic must prove a benefit to  
everybody concerned. It will bring the two  
nations into closer relations, open our mar-  
kets to their products and open their mar-  
kets to our manufactures.

We make our compliments to Mr. Har-  
rison. The doctrine of protection on which  
he was elected has not resulted in the national  
prosperity which was promised. The McKinley  
bill is admitted to be a sham and a humbug.  
The anti-election oratory, with its effulgent  
bonfire, is pronounced a cheat and a lie. The home  
market, which they told us would give the  
working classes purple and fine linen at a  
nominal rate, raise wages to the maximum  
and reduce the price of groceries to the  
minimum, is the petered out delusion of a  
crank in political economy, and the very man  
who went to the White House on this  
home market fanaticism is now trying to  
induce Rio Janeiro merchants and Ameri-  
can mill owners to trade with each other.

All right. While the lamp holds out to  
burn the most frantic protectionist may re-  
turn. Free trade with Brazil is good democ-  
racy, and we are glad to see Mr. Harrison  
swing round to sound orthodox policies. It  
is even hinted that he contemplates opening  
the markets of all South America to our  
business enterprise and that the day is not  
far distant when we shall trade in them  
without let or hindrance. That is agreeable  
news. We shall welcome the President and  
Mr. Blaine into the democratic household  
when their eyes are still further opened and  
they are ready to confess the error of their  
past lives. Of course they are honest enough  
not to sail under false colors, will therefore  
repudiate the folly of the Chicago platform,  
proclaim their conversion to free trade and  
ask to be proposed as members of the great  
democratic party.

Free trade with Brazil is a good thing?

Free trade with all the Southern republics is  
a good thing? Then why not extend its

limits and give us free trade in every mar-  
ket of the world? The logic of the situa-  
tion is as cheering as it is inexorable. If  
this ounce of Brazilian tenderness is good,  
why not give us a first class porterhouse  
steak?

Hill's Desperate Tactics.

Governor Hill proposes to run ex-Senator  
Pierce as Superintendent of Insurance, one  
of the most important offices in the State.

He might as well appoint a fox to look  
after a hen roost.

It is a curious fact that insurance com-  
panies which are doing a legitimate busi-  
ness are agitated at this mad and reckless  
move, and that certain wildcat companies  
are raising a large fund with which to pur-  
chase enough votes to confirm Pierce.

Maxwell, the present incumbent, is an  
honest man. His integrity has never been  
questioned. He has made for himself an  
enviable record, has sternly opposed specu-  
lative schemes and is the enemy of scound-  
rels.

But he is a Cleveland man.

That is a crime which Hill never forgives.  
A man may commit every sin forbidden by  
the Decalogue and still retain Hill's friend-  
ship; but if he is unwilling to use his office  
to boom Hill for the Presidency the  
Governor's rage exceeds all bounds.

Pierce is pliable. He would help Hill or  
he would help the devil without a qualm of  
conscience.

Our Albany correspondent says that Tam-  
many favors Pierce.

Tammany, Hill, Pierce—all working to-  
gether! Good Lord!

Probably before the swiftest ocean greyhound  
could land its silver cargo at New York the last  
gold dollar which reached would be safely hidden  
away in private boxes and in the vaults of safe de-  
posit companies, to be brought out only by a  
high premium for exportation.—Secretary Win-  
don's Last Words.

Our WASHINGTON EXPERT, referring to  
the Pension Bureau, makes these grave  
charges:—

That at least \$40,000,000 every year is paid to per-  
sons who have no shadow of right to it; that the  
Pension Bureau is honeycombed with fraud; that  
its employees get pensions, ratings, back money  
for themselves, while deserving claimants wait;  
that the management of the bureau is grossly cor-  
rupt and wretchedly incompetent.

But there will be no investigation. These  
rogues are entrenched behind a political  
pull. They contribute so much money at  
election time that they can cheat and swin-  
dle with entire impunity. That is one of  
the "moral ideas" of the party.

Sir JOHN MACDONALD seems to be mightily  
afraid that Miss Canada and Uncle Sam will  
elope some fine night.

His fears are well founded, but the old  
gentleman can't keep them from swapping  
hearts under the disguise of "reciprocity."

INGALLS as Secretary of the Treasury  
would be able to keep house in one of Win-  
don's shoes and could meet his rent by let-  
ting three-quarters of the apartment.

A WEST VIRGINIA PAPER, during a per-  
iod of mental aberration, has suggested Stephen  
B. Elkins for Secretary of the Treasury.  
Benny, get your gun, get your gun.

This sudden retirement of \$400,000,000 of gold,  
with the accompanying panic, would cause con-  
fusion and commercial disaster unparalleled in  
human experience, and our country would at once  
step down to the silver level, when there would be  
no longer any inducement for coins, and silver  
dollars would sink to their bullion value.—Secretary  
Win-  
don's Last Words.

PERSONAL INTELLIGENCE.

HERALD WEATHER FORECAST.—The storm in the  
Southwest yesterday morning will probably move  
northeast to-day, causing considerable distur-  
bance in its course, attended by rain and snow. The  
northwestern "cold wave" will probably advance  
east and follow in the rear of the storm after its  
passage toward the Atlantic. Temperature fell in  
the United States yesterday. The chief min-  
ima reported were 16 degrees below zero at  
Zappelle and Battleford and 14 degrees below  
zero at St. Vincent. The chief maxima were 76 de-  
grees at Key West and 74 degrees at Point Jupiter.

IN THIS CITY AND SUBURBAN DISTRICTS TO-DAY  
FAIR TO PARTLY CLOUDY WEATHER WILL PROBABLY  
PREVAIL, WITH SLIGHT TEMPERATURE CHANGES,  
FOLLOWED BY INCREASING CLOUDINESS AND LATER BY  
RAIN OR SNOW, WITH SLIGHT TEMPERATURE CHANGES.

In the Middle States to-day fair to partly cloudy  
weather will prevail, with no decided temperature  
changes and fresh, variable winds, followed by in-  
creasing cloudiness and rain or snow in the western  
portions, extending eastward to the coasts by night;  
and in New England fair to partly cloudy weather,  
with slight temperature changes and fresh, variable  
winds, followed by cloudiness and possibly by  
snow or rain. On Tuesday in this city and section  
and in New England colder, partly cloudy to fair  
weather will probably prevail, preceded on the  
coast by rain or snow, and followed by a cold  
"cold wave" from the Northwest, and on Wednes-  
day colder, fair weather in both sections.

AT THE PLAY.

She sat two rows in front of me—  
I made with my hand:

My eyes could not not choose but see  
The gold that glittered there.

The shapely shoulders where it fell,  
The shining tresses where it fell,  
They seemed to weave a magic spell  
That woke a thrill of love.

My homage could the maid divine,  
Or was it merely chance?  
She turned her head, and as for mine,  
She turned it with a glance!

TWO VIEWS OF THE CASE.

Jake Jimson.—What agonies Juliet must have  
suffered when Romeo left her!

Cora Bellows (sighing).—I would suppose she  
must have felt relieved.

A HEARTFELT QUOTATION.

"Water, water everywhere, but not a  
drop to drink," sighed